

	CM Casar's Proposed Ordinance 1/19/18	CM Flannigan's Proposed Ordinance
<b>Definition of Calendar Year</b>	Not defined in proposed ordinance	<i>Calendar year</i> shall mean a regular and consecutive twelve (12) month period as determined by an employer and may be based on an employee's employment anniversary date.
<b>Definition of Earned Sick Time</b>	<i>EARNED SICK TIME</i> means a period of paid leave from work accrued by an employee in accord with this Chapter.	<i>Earned Sick Time</i> means leave, paid or unpaid, that may be used for the same purposes and under the same conditions as section 4-19-14.
<b>Definition of Employee</b>	<i>EMPLOYEE</i> means an individual who performs at least 80 hours of work for pay within the City of Austin in a calendar year for an employer, including work performed through the services of a temporary or employment agency.	<i>Employee</i> means any individual employed by an employer, including temporary employees and part-time employees, who performs work within the geographic boundaries of the city for at least eighty (80) hours in a calendar year for that employer. For purposes of this chapter, "employee" does not include the following: (1) independent contractors; or (2) unpaid Interns.
<b>Definition of Employer</b>	<i>EMPLOYER</i> means any person, company, corporation, firm, partnership, labor organization, non-profit organization or association that pays an employee to perform work for an employer and exercises control over the employee's wages, hours and working conditions. The term does not include: (1) the United States; (2) a corporation wholly owned by the government of the United States; (3) the state or a state agency; or (4) a political subdivision of the state.	<i>Employer</i> means a person or entity that employs at least one (1) or more employees whose primary work location is in the City for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. The term includes an individual, company, corporation, firm, partnership, labor organization, association, nonprofit organization, or group of persons. For purposes of this chapter, "employer" does not include any of the following: (1) the United States government; (2) a corporation wholly owned by the United States government; (3) the state or a state agency; or (4) a political subdivision of the state, except the city.
<b>Definition of Exempt Employee</b>	Not defined in proposed ordinance	<i>Exempt employee</i> means an employee who is exempt from overtime payment requirements under federal or state law.
<b>Definition of Family Member</b>	<i>FAMILY MEMBER</i> means an employee's spouse, child, parent, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.	<i>Family member</i> means the employee's child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward, members of the employee's household, or domestic partner.

<b>Definition of Independent Contractor</b>	<p>Not defined in proposed ordinance</p>	<p><i>Independent contractor</i> means a person who contracts to perform work or provide a service for the benefit of another and who ordinarily:</p> <ul style="list-style-type: none"> <li>(1) acts as the employer of any employee of the contractor by paying wages, directing activities, and performing other similar functions characteristic of an employer-employee relationship;</li> <li>(2) is free to determine the manner in which the work or service is performed, including the hours of labor of or method of payment to any employee;</li> <li>(3) is required to furnish or to have employees, if any, furnish necessary tools, supplies, or materials to perform the work or service; and</li> <li>(4) possesses the skills required for the specific work or service.</li> </ul>
<b>Definition of Regular Rate of Pay</b>	<p>Not defined in proposed ordinance</p> <p>But referenced in Section 4-19-2 (H):  <i>The employer shall pay earned sick time in an amount equal to what the employee would have earned if the employee had worked the scheduled work time, exclusive of any overtime premium, tips, or commissions, but no less than the state minimum wage.</i></p>	<p><i>Regular rate of pay</i> means the employee's hourly rate, including payments for shift differentials, for an hourly employee or an equivalent rate for an exempt employee. Regular rate of pay does not include:</p> <ul style="list-style-type: none"> <li>(1) Tips.</li> <li>(2) Commissions.</li> <li>(3) Reimbursement for expenses incurred on the employer's behalf.</li> <li>(4) Premium payments for overtime work or work on Saturdays, Sundays, holidays, or scheduled days off, if the premium rate is at least one and one-half (1½) times the normal rate.</li> <li>(5) Bonuses.</li> <li>(6) Cash or other valuables in the nature of gifts on special occasions.</li> <li>(7) Payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan.</li> <li>(8) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.</li> </ul>